70

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.2480 of 2006

PETITIONER Chainu Ram Gond, S/o Durga Ram Gond, aged about 60 years, R/o village-Arand, P.S.-Pithora, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2485 of 2006

PETITIONER Chaitram Sawara, S/o Sadhuram, aged about 41 years, R/o Village- Dongaripali, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund

(C.G.)

5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2496 of 2006

PETITIONER Rahso Bariha S/o Asharam Bariha aged about 35 years, R/o village- Kishanpur , Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2481 of 2006

PETITIONER Bisahu Ram Gond, S/o Chainu Singh Gond, aged about 52 years, R/o village- Arjuni, P.S.-Pithora, Tahsil & District- Mahasamund, (C.G.)

Vs.

(72)

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2487of 2006

PETITIONER

Jodhan Sahu, S/o Loknath Sahu, aged about 50 years, R/o Village- Memra, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

73

Writ Petition No.2483 of 2006

PETITIONER Hira Ram S/o Dhaniram Gautam, aged about 40 years, R/o village- Bhanwarchuwan, Tahsil – Basna, District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2492 of 2006

PETITIONER Indrajeet Rawar, S/o Hari Rawat, aged about 40 years, R/o village- Dongaripali, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest

(74)

Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2490 of 2006

PETITIONER Jogendra Rawat, S/o Dauram, aged about 30 years, R/o village- Memra, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS
1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2484 of 2006

PETITIONER Phagulal, S/o Baran, aged about 45 years, R/o Village- Bardeepa, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS
1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue,

75

D.K.S. Bhawan Raipur (C.G.)

3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2491 of 2006

PETITIONER Anant Ram Bariha, S/o Shri Jagbandhu, aged about 32 years, R/o village-Bardeepa, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

(76)

Writ Petition No.2495 of 2006

PETITIONER Vinod Kumar, S/o Hukumlal, aged about 30 years, R/o village- Memra, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2625 of 2006

PETITIONER Dulari Bai D/o Sanau Ram, aged about 52 years, R/o village- Arjuni, Tahsil Pithora District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)

(77)

7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2494 of 2006

PETITIONER Parasram, s/o Gardarai, aged about 40 years, R/o village- Dumarpali, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2493 of 2006

PETITIONER Dukalu, s/o Bhanjoram Khandiya, aged about 36 years, R/o village- Kishanpur, Tahsil & District - Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)

(78)

3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2488 of 2006

PETITIONER Hurikesh Yadav, s/o Karan, aged about 21 years, R/o village-Memra, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2489 of 2006

PETITIONER Dayaram Rawat, S/o Shri Jagbandhu, aged about 50 years, R/o village-

Memra, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2482 of 2006

PETITIONER

Hiralal Bariha, S/o Sadhuram, aged about 30 years, R/o village- Bardeepa, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District –

(80)

Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Writ Petition No.2486 of 2006

PETITIONER Gopal Yadav, S/o Bhagat Yadav, aged about 60 years, R/o village- Kishanpur, Tahsil & District-Mahasamund, (C.G.)

Vs.

RESPONDENTS

1. Union of India, Through the Secretary, Ministry of Environment and Forest, New Delhi.
2. The State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
3. The Secretary, Department of Forest D.K.S. Bhawan Raipur (C.G.)
4.. The Collector, District – Mahasamund (C.G.)
5. The Divisional Forest Officer, District – Mahasamund (C.G.)
6. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
7. The Forest Settlement Officer, Forest Range, Pithoura, District Mahasamund (C.G.)
8. The Tehsildar, Mahasamund, District – Mahasamund (C.G.)
9. The Chief Conservator of Forest, Raipur, District – Raipur (C.G.)

Present : Mr. F S Khare, learned counsel for the petitioners.
Mr. Gautam Bhaduri, learned counsel for the Union of India.
Mr. Sanjay S Agarwal, learned Govt Adv. for the State of C.G

ORAL ORDER
(Passed on 22nd June 2006)

The petitioners in all these writ petitions are agriculturists by avocation and they claim that they have encroached the Government lands belonging to the Forest Department and they have been in actual possession and personal cultivation of the same for number of years.

81

Their grievance is that though they made applications to the State Government in the year 1992 under Rule 6 of the Forest (Conservation) Rules, 2003 [for short 'the Rules'] framed under the Forest (Conservation) Act, 1980, there applications are not yet considered by the Government. Rule 6 of the Rules provides for making application to the concerned nodal officer authorized in that behalf by the State Government and processing such applications by the State Government and sending proposals to the Central Government if the proposal requires prior approval under Section 2 of the Act. In that view of the matter, in the course of submission, learned Government Advocate pointed out that the applications under Rule 6 are required to be made to the concerned nodal officer authorized by the State Government whereas the petitioners-applicants have made applications straightaway to the State Government.

(2) Since, the petitioners made applications long back in the year 1992, it may not be proper, at this distance of time, to direct them to make fresh applications to the concerned nodal officer authorized in that behalf by the State Government. Under sub-Rule (2) of Rule 6 of the Rules, the State Government is the appropriate authority to receive the proposal under sub-Rule (1) and processing the same as specified therein and the other sub-Rules to follow.

(3) In that view of the matter, I dispose of these writ petitions directing the State Government of Chhattisgarh, the second respondent herein, to dispose of the applications of the petitioners in accordance with law and in terms of the Rules without any further delay. No costs.

Sd/-
Chief Justice